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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,632	06/13/2000	MICHIYASU CHIKADA	9683/63	9833

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EXAMINER
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DINH, KHANH Q

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 10/01/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

PP4

# Office Action Summary

Application No.

09/581,632

Applicant(s)

CHIKADA ET AL.

Examiner

Khanh Dinh

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

DETAILED ACTION

1. Claims 1-17 are presented for examination.

*Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-10 and 12-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Amdahl et al., US pat. No.6,253,334.

As to claim 1, Amdahl discloses a communication control method for a data terminal which includes data communication module (10 fig.1) for transmitting data to or receiving data from another data terminal (14 fig.1) connected with the data terminal through a communication line, the method comprising the steps of detecting an interruption of the communication line (detecting if the cable 34 fig.1 or router 28 failed, see abstract, fig.1, col.5 lines 6-34).

when it is detected that the communication line is interrupted, reestablishing the communication line without informing the data communication module of the interruption of the communication line (transferring data though 20 fig.1, see also fig.2, col.5 line 36 to col.6 line 64 and col.8 lines 8-61).

As to claim 2, Amdahl discloses judging whether to reestablish the interrupted communication line wherein when it is detected that the communication line is interrupted, and it is judged that the communication line should be reestablished, the communication line is reestablished without informing the data communication module of the interruption of the communication line (see col.9 line 6 to col.10 line 55 and col.11 line 1 to col.12 line 32).

As to claims 3 and 4, Amdahl discloses basing on a cause for the interruption of the communication line whether to reestablish the communication line and diagnosing the condition of a network, wherein it is judged, based on the diagnosed condition of the network, whether to reestablish the communication line (see fig.9, col.15 line 8 to col.16 line 56 and col.19 line 47 to col.20 line 61).

As to claim 5, Amdahl discloses diagnosing the condition of a network, wherein it is judged, based on the cause for the interruption of the communication line and the diagnosed condition of the network, whether to reestablish the communication line (see fig.9, col.15 line 8 to col.16 line 56 and col.19 line 47 to col.20 line 61).

Claims 6-10 are rejected for the same reasons set forth in claims 1-5 respectively.

As to claim 12, Amdahl discloses an inquiring module (1348 fig.12) for sending an inquiry as to the condition of the network to an external diagnosing module for diagnosing the condition of the network, wherein the

judging module judges, based on the condition of the network diagnosed by the external diagnosing module, whether to reestablish the interrupted communication line (see fig.12, col.15 line 8 to col.16 line 56, col.19 line 47 to col.20 line 61 and col.21 line 1 to col.22 line 65).

Claims 13-17 are rejected for the same reasons set forth in claims 1-5 respectively.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amdahl et al., US pat. No.6,253,334 in view of Ezaki, US pat. No.6,594,485.

Amdahl's teachings still applied as in item 4 above. Amdahl does not specifically disclose the data communication module performs data communication through a portable terminal which wirelessly communicates with a radio base station, the diagnosing module determines whether or not the portable terminal

is within a wireless zone formed by the radio base station, and the judging module judges, based on whether or not the portable terminal is within the wireless zone, whether to reestablish the interrupted communication line. However, Ezaki discloses that wherein the data communication module performs data communication through a portable terminal (terminal 1 of fig.1) which wirelessly communicates with a radio base station (4 fig.1), the diagnosing module determines whether or not the portable terminal is within a wireless zone formed by the radio base station, and the judging module judges, based on whether or not the portable terminal is within the wireless zone, whether to reestablish the interrupted communication line (see figs.1, 2, abstract, col.7 line 4 to col.8 line 61 and col.10 line 5 to col.11 line 67). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Ezaki's teachings into the computer system of Amdahl to reconnect communication between network devices because it would have ensured stable communication between terminal users in radio signal communication system without increasing the number of radio base stations and without a burden on a system operator (see Ezaki's col.6 lines 11053 and col.10 lines 13-58).

***Other prior art cited***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Perlman et al., US pat. No.6,584,506.
  - b. Pate et al., US pat. No.5,944,831.
  - c. Mahalingam et al., US pat. No.6,208,616.
  - d. Rosenthal, US pat. No.6,208,718.
  - e. Mahalingham et al., US pat. No.6,314,525.
  - f. Wetzel, US pat. No.6,388,990.

*Conclusion*

7. Claims 1-17 are *rejected*.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (703) 308-8528. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam Hosain, can be reached on (703) 308-6662. The fax phone numbers for this group are:

After Final: (703) 746-7238

Official: (703) 746-7239

Non-Official/ Draft: (703) 746-7240

*A shortened statutory period for reply is set to expire THREE months from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned (35 U.S. C . Sect. 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(A).*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Khanh Dinh  
Patent Examiner  
Art Unit 2155  
9/20/2003

  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER